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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/385,405 08/30/99 SCHMIDT

W 671.1.002CIP

IM22/0131

WATOV & KIPNES PC
P O BOX 247
PRINCETON JUNCTION NJ 08550

EXAMINER

POPOVICS, R

ART UNIT

PAPER NUMBER

1723

DATE MAILED:

01/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/385,405

Applicant(s)

Schmidt

Examiner

Popovics

Group Art Unit

1723

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- ☒ Responsive to communication(s) filed on 11/6/00
- ☒ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- ☒ Claim(s) 1-5, 7-8, 10-27, 44, AND 46-70 is/are pending in the application.
- ☐ Of the above claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-5, 7-8, 10-27, 44 AND 46-70 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claim(s) _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
 - ☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been received.
 - ☐ received in Application No. (Series Code/Serial Number) _____.
 - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other _____

Office Action Summary

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DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5,7-8,10-27,44 and 46-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schmidt et al. (U.S. Patent No. 5,288,408) in view of any of Fane et al. or Dutre et al. or Chakravorty et al.

Schmidt et al. disclose a method of gelatin recovery. As illustrated in Fig. 1, waste material is dissolved with a solvent in an agitated tank and separated into an aqueous phase stream and an organic phase stream. The resultant aqueous phase stream is then subjected to heat and hot filtered. A resultant gelatin/glycerine filtrate is then heated and subjected to vacuum distillation, recovering gelatin and glycerine. The recovered gelatin and glycerine may then be immediately re-used (col. 2, lines 33-35 & col. 5, lines 5-10).

Claim 1 appears to differ from Schmidt by specifying a step of "treating the solvent based layer with a hot filtering process selected from the group consisting of liquid:liquid centrifugation, sub micro/microfiltration, liquid:liquid coalescers, and absorbents and combinations thereof." Each of Fane et al. or Dutre et al. or Chakravorty et al. disclose the use of microporous filtration techniques in order to purify gelatin solutions. In view of any of these disclosures, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify

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the process of Schmidt et al. by incorporating a microporous filtration technique to purify a gelatin solution as disclosed, with the use of microporous filtration being an economically more attractive alternative to evaporative techniques as taught by the references. The balance of the claim limitations are submitted to be either expressly disclosed, inherent within a single reference, or obvious over the combined teachings of the references and/or that which is conventionally known in the art. The various temperature/pressure ranges, dilution volume ranges, etc. absent a showing of unexpected results or criticality specifically associated therewith, are considered obvious over the references as applied above. "Short path distillation" and fractional distillation are considered obvious functional equivalents of vacuum distillation which is disclosed by Schmidt.

Response to Arguments

3. Applicant's arguments filed November 6, 2000 have been fully considered but they are not persuasive. Applicant argues that "... ultrafiltration techniques cannot remove oil droplets or emulsified oil from dissolved gelatin" (page 11, lines 10-11 of Applicant's response). Applicant's whole line of argument is not found persuasive. See Figure 3 of the **Handbook of Separation Techniques for Chemical Engineers**, which discloses that the "*useful range*" of an ultrafilter almost entirely engulfs the useful range of microfilters. Accordingly, ultrafiltration and microfiltration are not seen to be materially different as argued by Applicant. Also see the paragraph bridging pages 2-8 to 2-9.

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Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Robert Popovics whose telephone number is (703) 308-0684, and who can normally be reached at this number from 9:30 A.M. through 6:00 P.M. (EST) M-F.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a long, horizontal, wavy line extending to the right.

**Robert James Popovics
Primary Examiner
Art Unit 1723**

ryp
January 29, 2001